

Amendment After Final Rejection
Serial No. 09/918,163

US 010342

REMARKS

Entry of this amendment, reconsideration of all grounds of rejection, and allowance of the pending claims are respectfully requested in light of the above amendments and the following remarks. Claims 1-19, as shown above, remain pending herein.

Claims 10 and 15 have been amended to overcome the objections thereto in the Office Action.

Claims 1, 6-8 and 14-16 stand rejected under 35 U.S.C. §103(a) over Sipola (WO 0045543). Applicants respectfully traverse this ground of rejection.

Applicants have amended base claims 1 and 8 to clarify that instead of a mere "combining" of packets, the portions of the successfully received first packet are combined *with the retransmitted portions that were previously in error*. Support for this change is found in the specification at least at page 5, lines 12-15.

The reuse of correctly-received RS code blocks to combine with the retransmitted portions that were previously received with error permits greater efficiency in packet loss correction rather than merely combining the contents of a request and retransmission system, resulting in greater efficiency than known heretofore. Base claim 15 is believed to be allowable for similar reasons as is claims 1 and 8, and all claims dependent from claims 1, 8 and 15 are believed to be allowable at least for their dependence from an independent claim that is believed allowable, as well as for an independent basis of patentability. In addition, Applicants respectfully submit that Sipola fails to disclose or suggest payload blocks, and it is respectfully submitted that none of the instant claims would have been obvious to a person of ordinary skill in the art for this reason as well.

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For all of the foregoing reasons, Applicants respectfully submit claims 1, 6-8, and 14-16 would not have been obvious to a person of ordinary skill in the art at the time of invention.

Reconsideration and withdrawal of this ground of rejection are respectfully requested.

Claims 2-5 and 11-13 stand rejected under 35 U.S.C. §103(a) over Sipola as applied to claims 1-8 and further in view of Choi et al. ("A Class of Adaptive Hybrid ARQ Schemes for Wireless Links" IEEE, Vol. 50, No. 3, May 2001, herein after "Choi"). Applicants respectfully traverse this ground of rejection.

Applicants respectfully submit that all of the above claims are believed to be allowable at least for their respective dependence from one of claims 1 or 8, which are believed to be allowable. The addition of the Choi article to that of Sipola, as a combination, still fails even to render the base claims unpatentable, let alone the dependent claims as alleged in view of the combination. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

Claims 17-19 and 9-10 stand rejected under 35 U.S.C. §103(a) over Sipola as applied to claims 1, 8 and 15 above, and further in view of Kwon et al. (U.S. 6,59,4,262 herein after "Kwon"). Applicants respectfully traverse this ground of rejection.

Applicants respectfully submit that all of the above claims are believed to be allowable at least for their respective dependence from one of claims 1, 8 or 15 which are believed to be allowable. The addition of the Kwon to that of Sipola, as a combination, still fails even to render the base claims unpatentable. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

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Serial No. 09/918,163

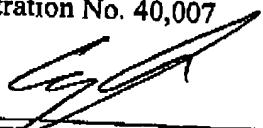
US 010342

For all the foregoing reasons, it is respectfully submitted that all of the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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Date: July 22, 2004

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